

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7513

Petition of Vermont Department of Public)
Service to impose penalties and other remedial)
action upon Vermont Gas Systems, Inc.)
("VGS") re: probable violations of Vermont)
law, pertaining to gas safety, involving 31)
separate locations installed, owned, operated)
and/or maintained by VGS)

Order entered: 3/23/2010

SCHEDULING ORDER

On February 22, 2010, Vermont Gas Systems, Inc. ("VGS") and the Vermont Department of Public Service ("DPS") filed proposals for establishing a litigation schedule in this proceeding. Having reviewed both of the parties' proposals, I set the following schedule:

Deadline for Parties to file status report regarding progress toward settlement	April 2, 2010
Deadline for Parties to file a settlement agreement, if warranted	April 9, 2010
Deadline for DPS to file direct testimony	April 23, 2010
Deadline for VGS to serve discovery requests on DPS	May 7, 2010
Deadline for DPS to respond to VGS's discovery requests	May 21, 2010
Deadline for VGS to file direct testimony	June 4, 2010
Deadline for DPS to serve discovery requests on VGS	June 18, 2010
Deadline for VGS to respond to DPS's discovery requests	July 2, 2010
Technical hearings	To be determined

In its filing on February 22, 2010, VGS requested leave to take depositions in this proceeding.¹ The discovery process in proceedings before the Board is governed by Board Rule 2.214, which expressly provides for depositions to be taken pursuant to Rule 28 of the Vermont Rules of Civil Procedure. VGS therefore does not require permission before scheduling depositions in this proceeding.

Finally, VGS has further suggested that I convene a workshop at which experts would be available to "discuss technical requirements under the regulations to generate a common understanding of the regulatory requirements."² The Department, in turn, has opposed this suggested workshop as "an inappropriate process to review contested matters that are at the heart of this case."³ Workshops often serve the salutary purposes of promoting efficiency and building consensus in the Board's policy-making process by identifying issues and clarifying differences in the perspectives held by participating stakeholders. I therefore commend VGS's efforts to foster dialogue and mutual understanding in this case. This proceeding, however, is an enforcement action in which the Department is seeking an order imposing civil penalties upon VGS for alleged violations of Board Rule 6.100. Therefore, it is appropriate to place a heightened emphasis upon the procedural safeguards of due process. For this reason, and absent the consent of the Department, I decline to convene the workshop VGS has suggested.

SO ORDERED.

1. *Letter from Kim Hayden, Esq., on behalf of VGS, to Susan Hudson* dated February 22, 2010, at 2.

2. *Id.* at 1.

3. *Letter from Jeanne Elias, Esq., on behalf of DPS, to Susan Hudson* dated February 22, 2010.

Dated at Montpelier, Vermont, this 23rd day of March, 2010.

s/June E. Tierney
June E. Tierney, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: March 23, 2010

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)